Submission – File 2025-64274-I - Request for Clarification on Pending Issues and Decisions

From Thesulfurgod@protonmail.com

To hrto.registrar@Ontario.ca , kdpcontractnotice@amazon.com, bnlegal@bn.com

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December 15, 2025

Registrar and parties,

The applicant respectfully requests clarification and decisions on numerous pending issues raised in prior submissions, as the absence of response risks procedural unfairness and undermines access to justice.

The Tribunal's Rules of Procedure and Practice Directions require timely engagement with material submissions and evidence.

The Supreme Court of Canada in *Vavilov v. Canada (Prime Minister)*, 2019 SCC 65 at para. 81, held that reasonableness demands meaningful engagement with key arguments. Silence on central issues may render a decision reviewable.

The applicant has filed extensive evidence of creed practice — thousands of pages of writings, hundreds of hours of songs and videos — archived at publicly accessible archive.org links. This voluminous material is directly relevant to sincerity and reprisal claims under *Syndicat Northcrest v. Amselem*, 2004 SCC 47 at para. 52.

No decision has been issued on the admissibility of these archive.org links, despite their common use in administrative proceedings for preservation of digital evidence (*R. v. Oakes*, [1986] 1 S.C.R. 103 at para. 70, emphasizing fair consideration of material facts).

The applicant has requested an adjournment to permit review of this evidence, noting its volume supports, rather than weakens, the sincerity claim (*Amselem*, supra at para. 54). No response has been received.

The applicant has offered an external hard drive as an immutable offline copy to address any concerns with online links. No response has been received.

Requests for accommodation (mental health-related, including AI assistance and text-only proceedings) remain unanswered, contrary to the Tribunal's duty under s.17 of the Code and *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 S.C.R. 3 ("Meiorin") at para. 54.

A request to forward safety concerns to appropriate authorities (Premier's office or police for threat assessment) remains unanswered, despite documented reprisal risks.

A request for costs related to non-party obstruction remains unanswered, despite evidence of undue hardship (*Morgan v. Herman Miller Canada Inc.*, 2013 HRTO 650 at para. 45).

A request to dispense with mediation remains unanswered.

Clarification has been sought on copyright/fair dealing implications for creed-related artistic works, given potential third-party claims upon increased visibility. No response has been received.

The applicant has also requested clarification on whether, in the event a text-based hearing is denied and an in-person appearance is required, accommodation may include permission to use a mobile device to access an AI assistant (Grok) for real-time assistance in formulating questions and responses, with reasonable pauses for typing.

This accommodation is sought to address documented mental health barriers to effective participation in oral proceedings.

No response has been received on this request.

The cumulative non-response to these material issues raises concerns of procedural fairness, as the Tribunal must engage with key submissions (*Wall v. Judicial Committee of the Highwood Congregation of Jehovah's Witnesses*, 2018 SCC 26 at para. 31; *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12 at para. 58).

The applicant therefore requests:

- A decision or update on each pending issue listed above.

- An estimated timeline for responses.

Regards,
Brendan S. Rose
Applicant (self-represented)